

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:02CV00014-MU

CENTRAL AVENUE, INC., *et al.*,)
)
Plaintiffs,)
)
vs.)
)
THE CITY OF CHARLOTTE, NORTH)
CAROLINA, a North Carolina municipal)
corporation,)
)
Defendant.)
_____)

ORDER

This matter is before the Court upon its motion. Plaintiffs are hereby ordered to submit a brief regarding the following issues by March 12, 2008:

- 1) whether Defendant City of Charlotte's Variance mechanism operated as a "prior restraint" on Plaintiffs' First Amendment protected activities, and if so, is it an unconstitutional prior restraint because it either: (a) vests the Zoning Board of Adjustment with unbridled discretion; or (b) fails to ensure a prompt administrative decision?
- 2) whether by denying Central Avenue Video's and Riverside Video Plus's variance requests while granting variances to other adult businesses, the Zoning Board of Adjustment violated Central Avenue Video and Riverside Video Plus's equal protection rights?

Defendant will submit a response brief by March 19, 2008, and if Plaintiffs choose to do so, they will submit a reply brief by March 26, 2008. If Plaintiffs do not intend to submit a reply brief, they will notify the Court. A hearing on these issues will be held in front of Judge Graham C.

Mullen on April 2, 2008 at 10am in Courtroom 3.

IT IS SO ORDERED.

Signed: February 27, 2008

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

